

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

February 27, 2001 LB 257

\$7,500 homestead allowance that the spouse can claim and...and then a family living allowance a spouse can claim of another \$9,000. So that's \$21,500. Okay, now after that, before the state could get anything, the funeral would have to be paid for, or it's entitled to be paid for if it's not been prepaid, and the costs of administration, which would be court costs and attorney fees, personal representative fees, that kind of thing. Then you would get to...to claims, and medical care or healthcare claims come ahead of other general claims. So if the claim of the state is for nursing home care, for example, that would most likely be considered a type of healthcare claim that would come ahead of some things. Let's say that the individual simply owed their brother some money. The healthcare claim would come ahead of that. Now, if you have a surviving spouse then it gets a little more...all I've told you is true, but then...then you get to a term called the augmented estate and if the deceased spouse left the surviving spouse nothing, the state will come in and say, well, we're not going to...we're not going to...or left the spouse everything, the claim would come in and be satisfied to the extent that the surviving spouse was getting more than what we call the augmented estate. Now it's kind of a complicated formula and...and this amendment that Senator Jensen had, I know how timely that is because I just had a situation where the family was very willing and wanted to pay the state some money for the deceased care, but this...this court ruling came along and the state determined that they couldn't...they couldn't file a claim, and there are other details, but I don't know if that helps you. If...if...I'll yield some additional time back to Senator Hilgert if he has any further questions or wants further clarification.

SPEAKER KRISTENSEN: Senator Hilgert, you have just a little under a minute.

SENATOR HILGERT: Thank you very much. I...I do...I do appreciate Senator Bromm. That does clear up this quite a bit. This is the type of debate, I know, that should have occurred on Select. Again, I'll try to be more prompt in the future. But I did want to make sure that there was basic exemptions in the law before we proceeded with this. I wouldn't want to be a party to anything nefarious. And since I have the remainder of this ten